IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

RFA.No. 642 of 2005(E)

OS.98/2003 of ADL.SUB COURT, THALASSERY
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APPELLANTS/DEFENDANTS:
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1. V.MUTHASSIAR, S/O. LATE M.K. MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST,PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK,KANNUR DIST.

2. V. SHAMSUDIN, S/O. LATE M.K. MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST,PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK, KANNUR DIST.

3. MARIYU, W/O. LATE M.K.MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST,PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK, KANNUR DIST.

4. V. UMMER, S/O. LATE M.K. MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST,PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK, KANNUR DIST.

5. V. HASEENA, S/O. LATE M.K.MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST, PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK, KANNUR DIST.

6. V. SAKEENA, S/O. LATE M.K.MOOSA,
VAZHAYIL HOUSE, P.O. PONNIAM WEST, PONNIAM AMSOM,
PONNIAM WEST DESOM, THALASSERY TALUK, KANNUR DIST.

BY ADV. SRI.K.VINOD CHANDRAN

RESPONDENTS: DEFENDANTS:

THE DHANALAKSHMI BANK LIMITED,
THALASSERY BRANCH, REPRESENTED BY BRANCH MANAGER.

BY ADV. SRI.C.K.KARUNAKARAN,SC,DHANALAKSHMI BAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

R.F.A.No.642 of 2005

Dated this the 2nd day of February, 2007

JUDGMENT

Kurian Joseph,J.

Despite several chances the defects have not been cured and the balance court fee also is not paid. Therefore, the appeal is rejected. The appellants will be entitled to refund of the court fee already paid in view of the Bench decision of this court in Jamal v.Mohammedkutty, 2003(3) KLT 803.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

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